

### **REMARKS**

Claims 1-24 are now pending in the application. Claims 1-3, 6-10, and 19-24 are cancelled. Claims 4, 11, and 12 are amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement filed September 24, 2004 stands objected to by the Examiner for the reason that it has not been provided to the office, although the Examiner notes that it has been placed in the application file. The information disclosure statement was submitted before the mailing of the first Office Action on the merits, under 37 CFR 1.97(b)(3). As such, the statement under section 37 CFR 1.97(e) is not required. Applicants request that the information referred to therein be considered as to the merits.

### **STATEMENT OF COMMON OWNERSHIP UNDER 35 U.S.C. § 103(c)**

Claims 11-18 stand rejected under 35 U.S.C. 103(a) in view of Shinkawa et al. (US 2004/0223027). Applicants note that Shinkawa et al. is cited as 35 U.S.C. § 102(e) prior art only. Applicants, through the undersigned representative, make the following statement as to common ownership to disqualify the reference under 35 U.S.C. 103(c) as prior art:

Application No. 10/797,595 (the present application) and U.S. Pub. No. 2004/0223027 (the cited reference) were each, at the time the invention

was made, owned by, or subject to an obligation of assignment to Seiko Epson Corporation.

As further objective evidence regarding common ownership, Applicants note that the assignment of the present application to Seiko Epson Corporation was recorded on July 26, 2004 at Reel/Frame: 015610/0191 and that the assignment of U.S. Pub. No. 2004/0223027 was recorded on July 8, 2004 at Reel/Frame 015554/0106.

For these reasons, the Shinkawa et al. (US 2004/0223027) reference is disqualified under 25 U.S.C. 103(c) as prior art in rejections under 25 U.S.C. 103(a). See MPEP § 706.02(I)(1) and 706.02(I)(2).

#### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants have amended the title according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 2 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Billet (U.S. Pat. No. 6,010,205). This rejection is rendered moot by cancellation.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Billet (U.S. Pat. No. 6,010,205) in view of Takazawa et al. (U.S. 2002/0018090). This rejection is rendered moot by cancellation.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Billet (U.S. Pat. No. 6,010,205) as modified by Takazawa et al. (U.S. 2002/0018090) as applied to Claim 3 above, and further in view of Oyen (U.S. 2004/0165016). This rejection is rendered moot by cancellation.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Billet (U.S. Pat. No. 6,010,205) as modified by Usui et al. (U.S. 2002/0170353) as applied to Claim 8 above, and further in view of Simons et al. (U.S. 2002/0089562). This rejection is rendered moot by cancellation.

Claims 11-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Billet (U.S. Pat. No. 6,010,205) as modified by Usui et al. (U.S. 2002/0170353), as applied to Claims 8 and 10 above, and furthering view of Shinkawa et al. (U.S. 2004/0223028).

With regard to claim 11, for the reasons set forth above in the Statement of Common Ownership under 35 U.S.C. § 103(c), Shinkawa et al. is disqualified under 25 U.S.C. 103(c) as prior art in rejections under 25 U.S.C. 103(a). For these reasons, claim 11 defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested. Applicants note that claim 11 is amended as an independent claim, and includes the limitations of the base claims and any intervening claims.

With regard to claim 12, for the reasons set forth above in the Statement of Common Ownership under 35 U.S.C. § 103(c), Shinkawa et al. is disqualified under 25 U.S.C. 103(c) as prior art in rejections under 25 U.S.C. 103(a). For these reasons, claim 12 defines over the prior art and reconsideration and withdrawal of the rejection

are respectfully requested. Applicants note that claim 12 is amended as an independent claim, and includes the limitations of the base claims and any intervening claims.

With regard to claims 13-18, Applicants note that each either directly or indirectly depends from claim 12, which defines over the prior art as discussed in detail above. Therefore, claims 13-18 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Billet (U.S. Pat. No. 6,010,205) in view of Choi (U.S. 2003/0156149). This rejection is rendered moot by cancellation.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Billet (U.S. Pat. No. 6,010,205) in view of Sakai et al. (U.S. 6,234,607). This rejection is rendered moot by cancellation.

Claims 8, 10, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Billet (U.S. Pat. No. 6,010,205) in view of Usui et al. (U.S. 2002/0170353). This rejection is rendered moot by cancellation.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 4 and 5 would be allowable if rewritten in independent form. Accordingly, Applicants have amended claims 4 and 5 to include the limitations of the base claim and any intervening claims. Therefore, claims 4 and 5 should now be in condition for allowance.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 9, 2006

By: 

G. Gregory Schivley  
Reg. No. 27,382  
Bryant E. Wade  
Reg. No. 40,344

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

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